

Walter O'Cheskey  
Chapter 13 Trustee  
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IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

IN RE:

BRANT ALAN NELSON  
JESSICA LYNN NELSON

CASE NO: 12-70391-HDH-13

HEARING DATE: 7/17/2013

HEARING TIME: 10:00 AM

**TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND  
PLAN MODIFICATION (if required)**

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Proposed Trustee's Recommendation Concerning Claims and Plan Modification (if required) in accordance with Bankruptcy Rule 3007 and General Order 2010-01 and would respectively show unto to the Court as follows:

**I.**

**OBJECTION -- NO PROOF OF CLAIM FILED**

The following creditors were scheduled by the Debtor(s). No Proof of Claim has been filed by them or on their behalf, as required by Bankruptcy Rule 3002(a). The bar date for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. Therefore the claims should be DISALLOWED.

| Trustee Clm# | Creditor Name               | Scheduled Amount | Trustee Clm# | Creditor Name                       | Scheduled Amount |
|--------------|-----------------------------|------------------|--------------|-------------------------------------|------------------|
| 025 0 U      | KELL WEST REGIONAL HOSPITAL | \$650.00         | 026 0 U      | MYRIAD GENETIC LABORATORIES         | \$275.00         |
| 029 0 U      | TEXOMA FAMILY CLINIC        | \$298.73         | 030 0 U      | UNITED REGIONAL HEALTH CARE SYSTEMS | \$1,825.10       |

**II.**

**SPECIFIC OBJECTIONS**

No Objections

**III.**

**TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS**

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount and in the class as listed below.

| Trustee Claim #                 | Creditor  | Collateral / Description                         | Claim Amount | Value        | %     | Term | Paid / Treated           |
|---------------------------------|---|--|--------------|--------------|-------|------|--------------------------|
| <b><u>SECURED CREDITORS</u></b> |   |  |              |              |       |      |                          |
| 008 0                           | ALLY FINANCIAL  | 2011 CHEVROLET CAMARO                            | \$27,848.44  | \$27,848.44  | 6.00% | 58   | \$591.85 PAID BY TRUSTEE |
|                                 | Extended term from 54 to 58 months. See Modification Below. |  |              |              |       |      |                          |
| 009 0                           | WELLS FARGO BANK  | 2009 SATURN SKY                                  | \$20,886.46  | \$20,953.00  | 6.00% | 58   | \$443.64 PAID BY TRUSTEE |
|                                 | Extended term from 54 to 58 months. See Modification Below. |  |              |              |       |      |                          |
| 010 0 *                         | BANK OF AMERICA NA  | 718 SUNSET, BURKBURNETT, WICHITA CO, TX 76354    | \$0.00       | \$121,017.00 |       |      | SURRENDERED              |
| 011 0 *                         | BANK OF AMERICA NA  | 18D NORTHWEST CAPE DR, FT WALTON, OKALOOSA CO, F | \$0.00       | \$122,835.00 |       |      | SURRENDERED              |
| 012 0 *                         | BANK OF AMERICA   | 18D NORTHWEST CAPE DR, FT WALTON, OKALOOSA CO    | \$44,632.62  | \$43,889.00  |       |      | SURRENDERED              |
| 013 0 *                         | BANK OF AMERICA NA  | 2507 GRANT ST, WICHITA FALLS, WICHITA CO, TX 763 | \$0.00       | \$34,707.00  |       |      | SURRENDERED              |
| 014 0 *                         | CITY OF BURK/ ISD/WICHITA COUNTY                            | 2012 PROPERTY TAXES/718 SUNSET                   | \$1,329.06   | \$2,735.71   |       |      | SURRENDERED              |
| 015 0 *                         | WICHITA COUNTY  | 2012 PROPERTY TAXES/2507 GRANT ST                | \$820.79     | \$820.79     |       |      | SURRENDERED              |
| 016 0                           | KIA MOTORS FINANCE  | 2011 KIA SORENTO/STAY LIFTED                     | \$22,054.78  | \$21,884.00  |       |      | SURRENDERED              |
| 017 0 *                         | OKALOOSA COUNTY TAX COLLECTOR                               | PROPERTY TAXES/18D NORTHWEST CAPE DR             | \$0.00       | \$956.58     |       |      | SURRENDERED              |
| 018 0 *                         | WYNDHAM VACA  | TIMESHARE  | \$0.00       | \$33,773.99  |       |      | SURRENDERED              |

|   |                    |  |             |             |                     |
|---|--------------------|--|-------------|-------------|---------------------|
| 019 0   | WICHITA COUNTY     | 2012 PROPERTY TAXES/1043 CHRISTIE LN     | \$107.31    | \$234.29    | PD DIRECT BY DEBTOR |
| 020 0   | LEGACY HOUSING LTD | 2012 LEGACY CLASSIC MOBILE HOME          | \$53,614.33 | \$53,945.00 | PD DIRECT BY DEBTOR |
| 035 0 *   | BURKBURNETT ISD    | 2012 PROPERTY TAXES - 1043 CHRISTIE LANE | \$127.00    | \$234.29    | PD DIRECT BY DEBTOR |
| Not provided for in confirmed plan. See Modification Below. |                    |  |             |             |                     |
| 036 0 *   | BURKBURNETT ISD    | 2012 PROPERTY TAXES - 718 SUNSET DRIVE   | \$1,378.22  | \$2,735.71  | SURRENDERED         |
| Not provided for in confirmed plan. See Modification Below. |                    |  |             |             |                     |

#### **UNSECURED GENERAL CREDITORS**

| <b>Trustee Clm#</b> | <b>Creditor Name</b>   | <b>Claim Amount</b> | <b>Trustee Clm#</b> | <b>Creditor Name</b>                                       | <b>Claim Amount</b> |
|---------------------|--|---------------------|---------------------|--|---------------------|
| 012 1 U             | BANK OF AMERICA<br><i>SPLIT CLAIM/18D NW CAPE DR</i>                     | \$743.62            | 016 1 U             | KIA MOTORS FINANCE<br><i>SPLIT CLAIM/2011 KIA SORENTO</i>  | \$170.78            |
| 021 0 U             | RCI ELITE<br><i>PURCHASES</i>  | \$7,683.11          | 022 0 U             | KEYSTONE RECOVERY PARTERS SERIES II<br><i>PURCHASES</i>    | \$1,029.28          |
| 023 0 U             | BILL ME LATER<br><i>PURCHASES</i>  | \$5,973.55          | 024 0 U             | PRA RECEIVABLES MANAGEMENT<br><i>PURCHASES/CAPITAL ONE</i> | \$6,107.72          |
| 027 0 U             | WELLS FARGO FINANCIAL NATIONAL BANK<br><i>PURCHASES/ASHLEY FURNITURE</i> | \$1,244.59          | 028 0 U             | TEXOMA COMMUNITY CR UN<br><i>LOAN</i>                      | \$4,048.53          |

If the Trustee's recommendation concerning any claim differs from the amount indicated in a creditor's Proof of Claim, the recommendation is deemed an objection to such claim. Unless a timely reponse or objection is filed contesting the Trustee's recommendation, the objection will be sustained and such claim will be allowed only in the amount and in the class indicated.

Any proposed changes by the Debtor that extends the term or lowers the interest rate as to any secured claim contained in the confirmed Plan must be set out in a Debtor's Objection or Response to the Trustee's Recommendation Concerning Claims and noticed to the affected creditor in the absence of a letter agreement between the Debtor and the affected creditor.

#### **IV.**

#### **TRUSTEE'S PLAN MODIFICATION**

Pursuant to 11 U.S.C. Section 1329, and in accordance with General Order 2010-01 Section 8, the Trustee requests the following Modification of Debtor's(s') Confirmed Plan, subject to feasibility herein:

Trustee's Modification is as follows:

Burkburnett ISD is allowed a secured claim for 2012 property taxes on 1043 Christie Ln of \$127.00 to be valued at \$234.29 and paid direct by debtor. Burkburnett ISD secured claim for 2012 property taxes of 718 Sunset Drive for \$1,378.22 is surrendered with a value of \$2,735.71. The secured claims of Wells Fargo Bank and Ally Financial shall be paid over 58 months. Debtor shall pay 5 payments of \$1,109.00 beginning 11/10/2012. Then Debtor shall pay 4 payments of \$1,609.00 beginning 4/10/2013. Then Debtor shall pay 51 payments of \$1,202.00 beginning 8/10/2013 for a total of \$73,283.00.

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

NOTICE OF HEARING AND PRE-HEARING CONFERENCE

IF AN OBJECTION IS FILED, A HEARING WILL BE HELD 7/17/2013 AT 10:00 AM CONCERNING THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION (IF REQUIRED) (TRCC) AT THE FOLLOWING LOCATION:

LIVE: US COURTHOUSE ROOM 222, 10TH & LAMAR STREETS, WICHITA FALLS, TEXAS 76301

A PRE-HEARING CONFERENCE WITH THE TRUSTEE SHALL BE HELD AT THE SAME LOCATION AT 8:30am. ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE. ANY OBJECTIONS TO THE PLEADINGS NOT RESOLVED OR DEFAULTED AT THE PRE-HEARING CONFERENCE WILL BE HEARD BY THE COURT AT THE HEARING DATE AND TIME ABOVE. TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, SERVED ON ALL EFFECTED CREDITORS AND FILED WITH THE COURT WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE.

PURSUANT TO GENERAL ORDER 2010-01 SECTION 8(C), UNLESS AN OBJECTION IS TIMELY FILED AS TO THE TREATMENT OF ANY CLAIM OR MODIFICATION, THE CLAIM OR MODIFICATION WILL BE ALLOWED OR APPROVED AS DESCRIBED IN THE TRCC AND SUCH TREATMENT WILL BE FINAL AND BINDING ON ALL PARTIES.

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) and Notice of Hearing and Pre-Hearing Conference on Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

Date: 5/30/2013

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

ALLY FINANCIAL C/O ALLY SERVICING LLC PO BOX 130424 ROSEVILLE MN 55113  
ALLY FINANCIAL PO BOX 78367 PHOENIX AZ 85062  
BANK OF AMERICA NA 450 AMERICAN ST SIMI VALLEY CA 93065  
BANK OF AMERICA PO BOX 660933 DALLAS TX 75266  
BANK OF AMERICA PO BOX 982235 EL PASO TX 79998  
BARCLAYS BANK DELAWARE ATTN BANKRUPTCY PO BOX 1337 PHILADELPHIA PA 19101  
BARRETT DAFFIN FRAPPIER TURNER & ENGEL 15000 SURVEYOR BLVD STE 100 ADDISON TX 75001  
BILL ME LATER C/O KEN MUDRICK 101 SCHILLING RD SUITE 40 HUNT VALLEY MD 21031  
BILL ME LATER PO BOX 105658 ATLANTA GA 30348  
BRANT ALAN NELSON & JESSICA LYNN NELSON 1043 CHRISTIE LN BURKBURNETT TX 76354  
BURKBURNETT ISD PO BOX 608 BURKBURNETT TX 76354  
CAPITAL ONE NA CAPITAL ONE BANK -USA NA PO BOX 30285 SALT LAKE CITY UT 84130  
CITY OF BURK/ ISD/WICHITA COUNTY C/O HAROLD LEREW PO BOX 8188 WICHITA FALLS TX 76307  
CITY OF WF, WIFSD, WICHITA CO C/O HAROLD LEREW PO BOX 8188 WICHITA FALLS TX 76307  
DOUGLAS B WELLS WELLS & CUELLAR PC 440 LOUISIANA SUITE 718 HOUSTON TX 77002  
FIA CARD SERVICES BANK OF AMERICA 4161 PIEDMONT PARKWAY NC4 105 03 14 GREENSBORO NC 27410  
GE CAPITAL RETAIL BANK C/O RECOVERY MGM SYS CORP 25 SE 2ND AVENUE SUITE 1120 MIAMI FL 33131  
GMAC AUTOMOTIVE BANK PO BOX 130424 ROSEVILLE MN 55113  
INTERNAL REVENUE SERVICE PO BOX 7317 PHILADELPHIA PA 19101  
INTERNAL REVENUE SERVICE PO BOX 7346 PHILADELPHIA PA 19101  
KELL WEST REGIONAL HOSPITAL 5420 KELL WEST BLVD WICHITA FALLS TX 76310  
KENDOR FINANCIAL LTD PO BOX 1027 PILOT POINT TX 76258  
KEYSTONE RECOVERY PARTERS SERIES II C/O WEINSTEIN & RILEY PS PO BOX 3978 SEATTLE WA 98124  
KEYSTONE RECOVERY PARTNERS SERIES II C/O WEINSTEIN & RILEY PS 2001 WESTERN AVE STE 400 SEATTLE WA 98121  
KIA MOTORS FINANCE CO 10550 TALBERT AVE FOUNTAIN VALLEY CA 92708  
KIA MOTORS FINANCE PO BOX 20825 FOUNTAIN VALLEY CA 92728  
LEGACY HOUSING LTD ADAM R SWONKE C/O WELLS & CUELLAR PC 440 LOUISIANA SUITE 718 HOUSTON TX 77002  
MYRIAD GENETIC LABORATORIES 320 WAKARA WY SALT LAKE CITY UT 84108  
OKALOOSA COUNTY TAX COLLECTOR PO BOX 1390 NICEVILLE FL 32588  
PRA RECEIVABLES MANAGEMENT PORTFOLIO REC ASSOC PO BOX 41067 NORFOLK VA 23541  
PRA RECEIVABLES MANAGEMENT PORTFOLIO RECOVERY ASSOC PO BOX 12914 NORFOLK VA 23541  
PRFRD CUS AC CSCSL DISPUTE TEAM DES MOINES IA 50306  
PROBER & RAPHAEL 20750 VENTURA BOULEVARD SUITE 100 WOODLAND HILLS CA 91364  
RCI ELITE 4161 PIEDMONT PARKWAY NC4 105 3 14 GREENSBORO NC 27410  
RCI ELITE PO BOX 15102 WILMINGTON DE 19886  
TEXOMA COMMUNITY CR UN PO BOX 1320 WICHITA FALLS TX 76307  
TEXOMA FAMILY CLINIC OSCAR C & ROSA A TORRES PA 600 S RED RIVER EXPWY BURKBURNETT TX 76354  
THE BANK OF NEW YORK MELLON PROBER & RAPHAEL PO BOX 4365 WOODLAND HILLS CA 91365  
UNITED REGIONAL HEALTH CARE SYSTEMS 1600 11TH STREET WICHITA FALLS TX 76301  
UNITED STATES ATTORNEY 801 CHERRY STREET UNIT 4 FT WORTH TX 76102  
US ATTORNEY ATTORNEY IN CHARGE 1100 COMMERCE STREET SUITE 300 DALLAS TX 75242  
US ATTORNEY GENERAL 10TH ST & CONSTITUTION AVE WASHINGTON DC 20530  
WELLS FARGO BANK DBA WELLS FARGO DEALER SERVICES PO BOX 19657 IRVINE CA 92623  
WELLS FARGO BANK DBA WELLS FARGO DEALER SERVICES PO BOX 25341 SANTA ANNA CA 92799  
WELLS FARGO BANK NA PO BOX 10438 DES MOINES IA 50306  
WELLS FARGO FINANCIAL NATIONAL BANK PO BOX 660431 DALLAS TX 75266  
WFS FINANCIAL/WACHOVIA DEALER SERVICES 10750 FOREST ST SUITE 200 RANCHO CUCAMONGA CA 91730  
WICHITA COUNTY PO BOX 1471 WICHITA FALLS TX 76307  
WYNDHAM VACA 10750 W CHARLESTON LAS VEGAS NV 89135